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Action/Information

Legislative Committee of the Whole

Analyses of Bills of Interest to the Commission

AGENDA INSERT

Executive Summary: Staff will present analyses of educator preparation or licensure bills introduced by the Legislature. The analyses will summarize current law, describe the bill's provisions, estimate its costs, recommend amendments (if applicable) and propose a recommended position.

Recommended Action: Staff will indicate a recommended position on individual legislative measures as appropriate. Positions for the Commission to consider are: Sponsor, Support, Support if Amended, Approve, Seek Amendments, Watch, Disapprove, Oppose, and Oppose Unless Amended.

Presenter: Linda G. Bond, Director, Office of Governmental Relations

ANALYSES OF BILLS OF INTEREST TO THE COMMISSION

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| Bill Number: | Assembly Bill 1914 |
| Author: | Assembly Member Montanez |
| Sponsor: | Service Employees International Union |
| Subject of Bill: | Prison Education Reform |
| Date Introduced: | February 9, 2004 |
| Last Date Amended | May 20, 2004 |
| Status in Leg. Process: | Senate – Awaiting Committee Assignment |
| Recommended Position: | Watch |
| Date of Analysis: | May 28, 2004 |
| Analyst: | Marilyn Errett and Linda Bond |

Summary of Current Law

Education Code Section 32500 provides for the Director of the California Department of Corrections (CDC) to plan and develop prison-based educational programs in cooperation with the Chancellor of the California State University (CSU) System, the Chancellor of the California Community Colleges (CCC), and the Superintendent of Public Instruction (SPI), with the advice of the California Postsecondary Education Commission. The “Prisoner Literacy Act” (Penal Code Section 2053) states legislative intent to raise the percentage of prisoners who are functionally literate. Penal Code Section 2053.1 requires the Director of the CDC to implement a literacy education program to ensure that inmates are able to read at a ninth-grade level. Penal Code Section 2053.4 requires the CDC Director to appoint a Superintendent of Correctional Education to oversee and administer all prison education programs.

Summary of Current Activity by the Commission

The Commission issues teaching and specialist credentials that are required by the Department of Corrections for use in prison education programs. Most often used are Designated Subjects: Vocational Education and Adult Education Credentials, Multiple Subject and Single Subject Teaching Credentials and the Reading Specialist and Education Specialist: Mild Moderate Credentials. In addition to holding a valid teaching credential, teachers are required by the CDC to participate in a 40-hour safety orientation and to participate in an annual training program.

The Commission does not monitor the assignment of teachers and service personnel in prison education programs, but rather plays an advisory role when requested.

Analysis of Bill Provisions

AB 1914 would repeal Penal Code Section 2053.4, which requires the CDC Director to appoint a Superintendent of Correctional Education (SCE) to oversee and administer all prison education programs. To replace the SCE, the measure establishes the Robert E. Burton Correctional Education Committee with members appointed by the CDC, the Chancellor of the CSU, the Chancellor of the CCC and the SPI. This committee would develop minimum prison education standards, approve education programs in the correctional institutions, and adopt rules and regulations for the admission of inmate students to these educational programs. In addition, the committee would enter into agreements with public or private school districts and institutions of higher education, as appropriate, for instructional and advisory purposes.

The measure would require the committee to develop and implement an ongoing teacher training program in correctional education in conjunction with the Commission on Teacher Credentialing.

Analysis of Fiscal Impact of Bill

Fiscal impact to the Commission is unknown at this time.

The Assembly Appropriations Committee fiscal analysis predicts potential future annual costs to the state, likely in excess of \$33 million, to expand and enhance correctional education programs.

Analysis of Relevant Legislative Policies by the Commission

The following Legislative policies apply to this measure:

- 1. The Commission supports legislation that proposes to maintain or establish high standards for the preparation of public school teachers and other educators in California, and opposes legislation that would lower standards for teachers and other educators.**

5. The Commission supports legislation that strengthens or reaffirms initiatives and reforms that it previously has adopted, and opposes legislation that would undermine initiatives or reforms, which it previously has adopted.

Organizational Positions on the Bill

Support:

Service Employees International Union (Sponsor)
American Civil Liberties Union
American Federation of State, County and Municipal Employees, AFL-CIO
American Friends Service Committee
California Attorneys for Criminal Justice
California Catholic Conference
California Federation of Teachers
California labor Federation, AFL-CIO
California State Conference of the National Association for the Advancement of Colored People
California State Employees Association
Critical Resistance
Drug Policy Alliance Network
Friends Committee on Legislation
Little Hoover commission
Mexican American Legal Defense and Educational Fund
National Council of la Raza
National Council on Crime and Delinquency
Youth Law Center

Opposition:

None on file.

Suggested Amendments

None

Reason for Suggested Position

AB 1914 is nearly identical to the 2003, AB 1219 (Montanez) which was vetoed by then Governor Davis for fiscal reasons and because the control of educational programs would be moved from the direct control of the CDC. The measure is peripherally related to the work and purview of the Commission and staff does not intend to request a position on the bill that would reach beyond the scope of the Commission's authority. However, because the Commission would be included in the development and implementation of an ongoing teacher training program in correctional education, staff would like the Commission to be aware of the measure and to allow staff to continue to monitor its progress. For these reasons, staff recommends a "Watch" position on AB 1914.